

WARRICK COUNTY BOARD OF COMMISSIONERS MEETING
REGULAR SESSION
COMMISSIONERS MEETING ROOM
107 W. Locust Street, Suite 303
Boonville, Indiana
August 11, 2014
4:00 P.M.

The Warrick County Commissioners met in regular session with Don Williams, President, Richard Reid, Vice President and Marlin Weisheit, Member.

President Don Williams called the meeting to order.

Auditor Secretary, Angie Leslie, recorded the minutes.

PLEDGE OF ALLEGIANCE

AREA PLAN COMMISSION

STREET CONSTRUCTION PLANS

PP-14-09 – Water's Edge Subdivision Section III by New Master Development, LLC, Thomas E. Newmaster, Member. 35.2 acres located on the W side of Asbury Cemetery Rd. & the N side of Welte Rd. approximately 0' NW of the intersection formed by Asbury Cemetery Rd. (W 950) & Welte Rd (N 300), Campbell Twp., being part of Outlot A in Water's Edge Subdivision as recorded in Doc. # 1999R-003717 in the Office of the Warrick County Recorder. (Complete legal on file.) Requesting no improvements to Asbury Cemetery Road, Welte Road or Twin Lakes Drive.

Don Williams: Alright, we got about three (3) items of Area Plan business. Do you want to take off with that Ms. Rector?

Sherri Rector: Yes, Sir. Thank you. First one is Street Construction Plans, Primary Plat 14-09 Water Edge Subdivision, Section III by New Master Development, LLC, Thomas Newmaster, Member. It's thirty five point two (35.2) acres located on the west side of Asbury Cemetery Road and the north side of Welte Road. Approximately zero (0) feet north west of the intersection formed by Asbury Cemetery Road and Welte Road in Campbell Township. They are requesting no improvements to Asbury Cemetery Road, Welte Road or Twin Lakes Drive. I believe you just seen the subdivision in the Drainage Board meeting but I have a copy if you'd like, and they have put a no access easement on the plat he brought in this afternoon along Welte Road so there will not be any drives coming out on that roadway.

Don Williams: Yes, Sir, do you have anything you'd like to say?

Tom Newmaster: Tom Newmaster, Newmaster Development and we'd really appreciate the approval of this more than likely a couple of those lots are going to be sold as ten (10) acre tracks rather than the five and a half (5.5) that we have and we just appreciate you help, guidance and what you guys do.

Don Williams: Are they going to be residential areas?

Tom Newmaster: Yes.

Marlin Weisheit: But there's not going to be any driveways come off Welte? Is that right?

Tom Newmaster: Yes, Sir.

Marlin Weisheit: Okay, so the road frontage is going to be off Asbury and Twin Lakes?

Don Williams: And they both are paved?

Tom Newmaster: Pardon me?

Marlin Weisheit: Twin Lakes is chip and seal.

Tom Newmaster: And that two and a half (2.5) acre track that is not currently zoned, it will probably end up being a seven (7) acre track when we sell it.

Marlin Weisheit: Okay, I'd be okay with that.

Don Williams: Any questions from the Board?

Marlin Weisheit: I have none.

Don Williams: Anything, Rick?

Rick Reid: No.

Don Williams: Do you have anything, Mr. Engineer?

Bobby Howard: No, I believe the no access easement on Welte Road limits the traffic on to Welte and it's a gravel roadway so...

Don Williams: You're okay with it?

Bobby Howard: Yeah.

Don Williams: Okay, anything else, Sir? Okay, I entertain a motion.

Marlin Weisheit: I make a motion to approve.

Rick Reid: Second.

Don Williams: Motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Aye. Motion carries three (3), zero (0).

Tom Newmaster: Thank you.

Don Williams: Thank you for coming, Sir.

Tom Newmaster: Just for the record I can now talk about something that I just want to show you. This is what we're working on...

Rick Reid: Wow, awesome.

Tom Newmaster: To come into our area, one (1) of the lodges, there will be two (2), this is the small one and another big project to hopefully bring economic impact to Warrick County.

Don Williams: Good.

Marlin Weisheit: Good luck with it.

Tom Newmaster: Thank you guys for what you do. I appreciate you.

Rick Reid: Thanks.

REZONING PETITIONS

PC-R-14-11 – Petition of Dale R. Rankin to rezone 2.5 acres located on the E side of Pelzer Rd. approximately 1600' N of the intersection formed by Mt. Gilead Rd. & Pelzer Rd, Boon Twp. from "M-2" General Industrial to "CON" Recreation and Conservancy. Complete legal on file. (Advertised in The Standard July 3, 2014.)
Recommendation of approval by Plan Commission on July 14, 2014. (Ordinance 2014-___)

Sherri Rector: The next item is Rezoning Petition, it is PC-R-14-11 Petition of Dale R. Rankin to rezone two and a half (2.5) acres located on the east side of Pelzer Road approximately sixteen hundred (1,600) feet north of the intersection formed by Mt. Gilead Road and Pelzer Road in Boon Township from "M-2" General Industrial to "CON" Recreation and Conservancy. It was a recommendation of approval by the Plan Commission at their July 14, 2014 meeting, and Mr. Rankin is simply wanting to bring a portion of his property into compliance that his residence sits on. They are no longer allowed in an "M-2" zoning, so he's rezoning back to the original zoning.

Don Williams: Okay, if you would, Sir, identify yourself and your address.

Dale Rankin: Dale Rankin, 1255 Pelzer Road.

Don Williams: Okay, thank you. Do you have anything you would like to add to the report?

Dale Rankin: No, just trying to come into compliance.

Don Williams: Okay, are there any questions from the Board?

Rick Reid: No.

Marlin Weisheit: I have none.

Don Williams: Okay, before we act on this is there anyone here that would like to remonstrate either for or against the Rezoning Petition? Hearing none I'll entertain a motion.

Rick Reid: Motion to approve.

Marlin Weisheit: Second.

Don Williams: I need an Ordinance...

Rick Reid: It's 2014-34.

Roger Emmons: No, 2014-24.

Sherri Rector: No, 2014-24.

Don Williams: Okay, it's Commissioner Ordinance 2014-24. Okay, now let me have a motion.

Rick Reid: So moved.

Marlin Weisheit: Second.

Don Williams: Okay, I'm assuming I have a motion and a second to approve PC-R-14-11, is that correct?

Rick Reid: Yes.

Don Williams: Okay, all in favor say aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

Don Williams: Motion carries three (3), zero (0). Thank you, Sir.

REQUEST TO AMEND REZONING CONDITION

PC-R-13-01 – Petition of K & E Multifamily, LLC, by J.R. Kendall, Managing Member. (Castle Commons PUD) Requesting to change the decorative fence requirement between the Warrick County School Corporation and Castle Commons PUD from a 4' decorative metal fence to a 4' white vinyl 3-rail fence.

Sherri Rector: The next item that I have is a request to Amend Rezoning Condition, its PC-R-13-01, Petition of K & E Multifamily, LLC, by J.R. Kendall, Managing Member which is Castle Commons PUD, the apartment complex being built beside People Bank on 261. And they are requesting to change the decorative fence requirement between the Warrick County School Corporation and Castle Commons PUD from a four (4) foot, decorative metal fence to a four (4) foot, white vinyl three (3) rail fence. And the metal fence was voted on by the County Commissioners at the rezoning meeting. The planning commission simply put where they wanted fences and tree lines and didn't specify what type of fence.

Rick Reid: That looks nice though.

Don Williams: Is anyone here to represent this action?

Krista Lockyear: Apparently just in the nick of time.

Todd Glass: Good timing.

Don Williams: Apparently so.

Krista Lockyear: Krista Lockyear on behalf of K & E Multifamily. J.R. Kendall apologizes he couldn't make it here for the hearing but I think Sherri pretty much explained the request. There is white fencing in the area along Oak Grove Road so I think it will blend in pretty well. Probably a little easier maintenance upkeep then the metal fence might be as well. Other than that we'd appreciate your approval of the change we're requesting.

Rick Reid: That's very attractive too.

Krista Lockyear: Thank you.

Don Williams: A metal fence can be white also.

Krista Lockyear: It could. (Laughter)

Don Williams: And that's what his agreement with this Board was.

Krista Lockyear: Well, we would appreciate your consideration of the vinyl, again and to be honest with you I'm not sure if it's predominately cost or maintenance but again I believe it does blend in well with the existing structures and buildings that are out there despite the fact that it's not metal, the vinyl is pretty pleasing and I don't know if you're really going to notice that it's not metal unless you get right up on top of it. And they'd be happy to maintain, I mean if you would like to make any conditions that it be maintained in a good fashion, we'd certainly be happy to do that.

Marlin Weisheit: I know the concern was, the reason I think Rick made that motion, we had some people here concerned from the schools, we wanted a little more of a buffer there, you know where kids just couldn't walk through, I think that's why...

Don Williams: Or crawl through.

Marlin Weisheit: Or crawl through is why we thought it needed to be a little higher and something that people...like this here, the kids could slip through it, you know, I mean we just kind of wanted a little bit more of a buffer zone between the school because that was the concern that we had from people and request approving this zoning so that was one (1) stipulation that we put in for that reason as I remember. Is that right, Rick?

Rick Reid: Yes.

Krista Lockyear: Yeah, and I was here for that hearing...

Marlin Weisheit: You was.

Krista Lockyear: Although kind of an assistant capacity and I do recall the discussions although the motion as it stands requires metal, doesn't really specify the distances, so perhaps if we come back with a similar vinyl but has some more closer spacing in the slats, um, would that perhaps be acceptable to the Board?

Don Williams: I'd be willing to look at it for sure.

Krista Lockyear: Okay, so again the primary concern however, whatever material is to provide some security for the kids not to access the property.

Marlin Weisheit: And you know, I've seen some five (5) foot vinyl fences that the wind just takes them out, you know that, so, I'd be very careful with that. I mean, I don't think you have to have something that the wind won't blow through, we were thinking more of a rail fence up and down I think, Rick, wasn't we?

Rick Reid: Yeah, but this is quite a...I don't think you're going to kids crawling through that either, do you?

Marlin Weisheit: Well, not with the flowers and the roses through it...

Don Williams: When I was a kid I'd crawl through it in a heartbeat.

Marlin Weisheit: If it save me from walking around, or I'd climb over the top of it probably when I was that age.

Krista Lockyear: If we could maybe postpone then until your next meeting and I may even be able to get a sample of the material itself so you can see how sturdy it would be and make sure that its slatted close enough increments that it's going to provide some security for the kids.

Marlin Weisheit: I'd be willing to consider that.

Rick Reid: Yeah.

Don Williams: I'd be willing to consider something where kids can't just crawl through it.

Marlin Weisheit: I know across the road there is fence just like this but, you know the buffer between the school is what I'm concerned about.

Krista Lockyear: Right, there's a little more element to it than just the aesthetics.

Marlin Weisheit: Yeah.

Don Williams: Right.

Krista Lockyear: Gotcha.

Don Williams: But we were looking at both something that would be ecstatically good for the eye and also something that provides security on both sides of the fence.

Krista Lockyear: Understand.

Marlin Weisheit: With that said I think the apartment complex is coming along very well, it looks very nice there it really does. It's quite a complex there.

Don Williams: Yes.

Rick Reid: It looks nice.

Krista Lockyear: Thank you, I'll pass that along to my client, I appreciate it.

Don Williams: So you'd like us to table it until the 25th?

Krista Lockyear: If you would that would be fantastic, we'll come back with a little bit of different design for you.

Don Williams: Okay, entertain a motion to table PC-R-13-01 until August the 25th.

Rick Reid: So moved.

Marlin Weisheit: Second.

Don Williams: I have a motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Aye. Motion carries three (3), zero (0).

Krista Lockyear: Thank you.

Marlin Weisheit: Thank you, Ms. Lockyear.

Sherri Rector: That's all I have. Thank you.

ITEMS FOR DISCUSSION

DEPARTMENTAL REPORTS

COUNTY ADMINISTRATOR

Oak Grove Road Phase II ~ Recommendation for Administrative Settlement for Parcel 15, Suggs

Don Williams: Okay, we have some Items for Discussion, County Administrator do you want to...?

Roger Emmons: Thank you, Mr. President. The first item I have is a recommendation for Administrative Settlement for Parcel 15, on the Oak Grove Phase II Project that the current owner is Suggs. I sent you an email that included this

attachment of the Administrative Settlement on August 4th. This is the only relocation parcel in Phase II for Oak Grove Road. The Acquisition Agent is Elizabeth Sullivan and she along with Lochmueller Groups Manager of Right-of-Way Services, Rick Bennitt, they believe it's in the county's best interest to settle a parcel for one hundred fifty thousand (\$150,000.00), that's two thousand five hundred thirty five dollars (\$2,535.00) more than the fair market value determination of one hundred forty seven thousand four hundred sixty five dollars (\$147,465.00). By doing this you avoid acquiring the parcel by condemnation proceedings which takes time and money to get that.

Don Williams: Much more than twenty five hundred (\$2,500.00) that's for sure. Yeah, the condemnation would cost us more than the difference, that's my only input.

Rick Reid: Yeah, definitely.

Roger Emmons: There are two (2) items regarding this and one (1) is what I just presented, the second, should you approve this settlement, Ms. Sullivan also wants to know how the county wants to handle the real estate taxes on this parcel. And I think I copied Bobby and Todd on that but Ms. Sullivan asked how would the county like to handle the real estate taxes that is are they following the INDOT guidelines whereas if the deed is signed prior to December 31, 2014, the taxes would be forgiven for that year. Rick Bennitt then stated that the county "will be forgiving about fifteen hundred dollars (\$1,500.00)". He also stated "I don't know if that can be claimed for reimbursement from the feds. Sometimes the LPA will authorize an administrative settlement to cover the taxes co-payable to the owner and treasurer." And just wanted to know the commissioners...I assume you can probably...well, they need to know as soon as possible about the taxes, don't you think, Todd?

Todd Glass: Yeah, they would, I don't remember getting anything on that or thinking through that.

Rick Reid: But that is the INDOT Guidelines is we forgive taxes for...normally you pay taxes in the rear so actually they owe taxes for next year too.

Roger Emmons: He's just saying...I didn't have the time to ask him what the INDOT guidelines were other than he's saying if we get the deed signed before the end of this year the taxes...I don't know what the INDOT guidelines, maybe Bobby knows regarding those property taxes.

Bobby Howard: My understanding was that it was for that year so if it was signed before December of 2014 then the 2014 tax bill would be forgiven. I'd think an administrative settlement for the difference, for the cost of the taxes would be in order because we are still negotiating this right-of-way for fifteen hundred dollars (\$1,500.00) it still list in the condemnation.

Don Williams: Plus it sweetens the pot for them to go ahead and let us get the job done. Any other comments? If not I'll entertain a motion.

Rick Reid: I'll make a motion for the...changing that price to the one hundred fifty thousand (\$150,000.00) plus paying the taxes, forgiving the taxes for 2014.

Marlin Weisheit: I'll second that motion.

Don Williams: I have a motion and a second. All in favor say aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

Don Williams: Motion passes, thank you.

Roger Emmons: Thank you very much.

Paul Tischhauser ~ Request for Temporary Closure of Peachwood Drive for August 30th Car & Bike Cruise-In

Roger Emmons: The next...is Paul Tischhauser here? Mr. Tischhauser had sent an email request for temporary closure of Peachwood Drive for August 30th, that's a Saturday, he's having a car and bike cruise in. I sent you an email about this on August the 11th, it had an attached map with Peachwood Drive highlighted and details of the request. He's requesting that the road be temporarily closed and I'll use that term loosely because obviously businesses, people need to get to those businesses, they'll be able to get through there in emergency vehicles but he'd like to use the street from noon until 10:00PM that night and does state that he could furnish his Certificate of Liability Insurance showing the County as additional insured. I know Marlin communicated to me that he though Peachwood Drive is less traveled to the point where this probably wouldn't be a major impact that day.

Marlin Weisheit: You might ask the Sheriff if he's...do you see a problem with that, Sheriff, there behind Wessleman's back there on Peachwood Drive?

Sheriff Kruse: I don't.

Marlin Weisheit: Yeah, I don't think it would be an issue.

Rick Reid: Is that Wesselman's or is that Buy-Low?

Marlin Weisheit: Buy-Low's there, yeah.

Don Williams: Okay, I'd entertain a motion.

Rick Reid: So moved.

Marlin Weisheit: Second.

Don Williams: Motion and a second to approve the request. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Aye. Motion carries three (3), zero (0).

Roger Emmons: Thank you.

Bobby Howard: Roger, can you find out, does he need barricades?

Roger Emmons: Yeah, I'll have to get with him cause he didn't state that in his request.

Bobby Howard: Okay.

Marlin Weisheit: Roger, if he gets that all approved make sure you let dispatch know the time and everything, Brett, send him an email, thank you.

Termination of Service Agreement/Service Plus Plan with Emergency Radio Services, Inc.

Roger Emmons: The next item has to do with the Service Agreement/Service Plus Plan that we had with the Emergency Radio Services, Inc. technically it's still in effect. I sent that to Todd, it had a copy of my cover letter going back to 2010 and the four (4) page agreement and thanks to Sheriff Kruse he reminded me that the Board needs to terminate the agreement because if you recall in the past here fairly recently you approved the new service agreement I think for labor only with VEI Communications out of Vincennes and I will defer to Todd for any additional information regarding the agreements and language.

Todd Glass: Yes, I've reviewed the agreement which technically goes to December 31st and this is just a notice of termination and non-renewal and Sheriff Kruse indicated they don't use the services and haven't for quite some time so I've already drafted the notice of termination that I'll send out if the Board instructs me to.

Marlin Weisheit: I'll make a motion to terminate that service.

Rick Reid: Second.

Don Williams: That includes Todd sending the letter I assume?

Marlin Weisheit: Yes.

Don Williams: Okay, I have a motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Motion carries. Thank you.

Skelton 1 Precinct ~ Change Voting Place from Tennyson G.B. Church to Tennyson Community Center

Roger Emmons: The next item has to do with the Skelton 1 Precinct Voting Place. And I ask to change the voting place from the Tennyson General Baptist Church back to the Tennyson Community Center. I talked to Donnie Phillips on August the 6th, he's Tennyson Utility Superintendent, and he assured me that the repairs at the Tennyson Community Center will be completed in plenty of time to have the November 4th General Election back at the Tennyson Community Center.

Don Williams: Okay, what's the will of the Board?

Rick Reid: So moved.

Marlin Weisheit: Second.

Don Williams: Motion and a second to approve changing that Skelton 1 Precinct back to its home, Tennyson Community Center. All in favor say aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

Don Williams: Motion carries.

Roger Emmons: Thank you.

Declare County-Owned EMS Items as Surplus

Roger Emmons: The next item is for your consideration of declaring county-owned EMS items as Surplus. I sent you that list on August the 7th, and I also copied you on an email I sent to the Boonville Fire Department where I commented about that list and your possible action to have the items moved to Johnny Ray Dimmett's Auction House in Lynnville just to get the building cleared to help with the Coroner's move of her items from the old Chandler EMS Station, plus to free up more storage space within the building and to get it cleaned up. But there are five (5) gurneys with wheels, four (4) without wheels, four (4) old T.V.'s, two (2) wooden desks, a metal desk, five (5) short back upholstered office chairs, a small circular table diameter approximately three and a half (3.5) feet, one (1) generator, I don't know if it's operational.

Don Williams: It's that grey one sitting on the floor?

Roger Emmons: Yes.

Don Williams: It looked to me like maybe a 2500 KW maybe a 3000. It's not real big.

Roger Emmons: It's not real big. I think Brad did comment that at one time when it was in the EMS Station that they did have that one hooked up and that it did run the building.

Marlin Weisheit: The old jail.

Roger Emmons: Yes.

Marlin Weisheit: Well, it's an older generator.

Roger Emmons: But there's a microwave oven, an end table with lamp, an end table only, six (6) metal four (4) drawer file cabinets, one (1) metal two (2) door storage cabinet and a metal two (2) drawer file cabinet which I did determine from Esha Roth at EMS that that two (2) draw metal file cabinet does not belong to Mr. Marshon, it is owned by the county.

Don Williams: Do you know if any of those filing cabinets are lockable?

Roger Emmons: No, we didn't check that to see if there are any keys.

Don Williams: I can't remember exactly when, it's been in the recent past, I was talking to the veteran's service officer, Mr. Reynold's, and they may have a use for at least one (1) more filing cabinet down there, at least eventually.

Roger Emmons: Right, well, that's why I want...

Don Williams: So we might let him know, and he's got training going on here in about a week and a half to two weeks but...we can see if they need it.

Roger Emmons: We can carve that out for Mr. Reynolds and then let...I thought if the Board approves this today I'd broadcast an email to all of the offices and departments to see if before they get put on the county auction if there would be any interest for interdepartmental transfers.

Don Williams: It would be...the only thing I really had an asterisk by on my list was the generator. I was kind of curious as to whether it actually worked or not.

Marlin Weisheit: It probably wouldn't take much to get it going, it looked like it would run off of LP so it would need to be hooked to LP but...

Roger Emmons: Like I said Brad said he remembered it running but I don't know how long ago that was.

Don Williams: Well, I think our highway...we're set with generators out there right now.

Rick Reid: They could see if it's going to be workable.

Don Williams: That's another thing, I'd like to see if anybody has a use for it. I don't know if it would do like the Judge Court (Drug Court) building or something like that, I don't know if they'd want something like that in case their power went out at Drug Court. That's just an example but I'd like to kind of look at that before we declare the generator...

Rick Reid: Surplus.

Don Williams: Yeah, why don't we check on those and this doesn't have to be done today.

Roger Emmons: No, it can be tabled.

Don Williams: Why don't we bring this back up...?

Roger Emmons: The 25th?

Don Williams: Okay, so let's bring it back up on the 25th if that's okay, it's a discussion item so we don't need to table that we just bring it back under your business at the next meeting.

Roger Emmons: Okay, will do.

Discuss Annual Flu Shots

Roger Emmons: The next item is to discuss Annual Flu Shots, there's been some emails back and forth with Sharon James. You approved this last year on October the 28th. You agreed to allow County Employees to go to the Health Department's Nursing Office in the Courthouse here, in the basement, sign in and receive their flu shot vaccine. They subsequently turned the list in with the cost to me and I managed to get the total cost reimbursed to the Health Departments account from our insurance line item which is a wellness benefit, it doesn't cost the employee anything anyway but the county does pay for that one way or another. Sharon did say that they are willing and would entertain the idea of allowing spouses and possibly children to come as well. Well, spouses were allowed last year as long as they were covered under the employees insurance and the ones that weren't they had to pay. But I don't think we did any dependents last year as far as children.

Don Williams: I don't either. I think it worked well last year, I know a lot of people took advantage of that.

Roger Emmons: Yeah, it was fairly popular I thought.

Don Williams: I think everybody was happy with it it seemed like.

Roger Emmons: Yes they were.

Don Williams: It didn't cost the tax payers anything more than what they're already paying so...

Roger Emmons: No. No, it's budgeted for.

Don Williams: Yep, any other questions? You got anything?

Marlin Weisheit: No.

Don William: Okay, I entertain a motion.

Marlin Weisheit: I'll make a motion that we do it the same as last year on the flu shots.

Rick Reid: Second.

Don Williams: Okay, I have a motion that we repeat last year. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Aye. Motion carries. Thank you.

Executive Session today

Roger Emmons: The other two (2) items are informational but I do have one (1) last item for your consideration for action. First the two (2) items for information do you want to discuss either of those?

Don Williams: I think we're all aware of number one (1).

Lincoln Avenue Phase 3 Public Open House Meeting

Roger Emmons: Okay, Lincoln Avenue Phase 3 Public Open House it's just a reminder of that meeting, it's this Thursday 6:00PM to 8:00PM which that's also the County Council's meeting. I know Don's got to present our items for that meeting at 6:00.

Don Williams: Yeah, I'll be at the Council meeting for sure. How far are we into Phase 3, just out of curiosity?

Roger Emmons: I'd have to defer to Bobby on that.

Bobby Howard: We're just getting ready to start the right-of-way purchases so we've got the design pretty much finalized. We had to relocate for a cemetery on that section and I believe that's now finished so we should have a design to show the public at that meeting and then we'd be able to go forward and purchase right-of-way.

Don Williams: Okay, another action item?

COUNTY AUDITOR

Roger Emmons: Well, it's the County Auditor's business. Ms. Leslie has asked me to present the Payroll for your consideration. The Payroll is in the amount of three hundred ninety three thousand eight hundred ninety seven dollars and four cents (\$393,897.04).

Marlin Weisheit: I'll make a motion to pay the Payroll.

Rick Reid: Second.

Don Williams: Motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Motion carries. Three (3), zero (0). Pay the Payroll.

Roger Emmons: Thank you, Gentlemen, that's all I have.

COUNTY PURCHASING

Don Williams: County Purchasing has nothing.

COUNTY ATTORNEY

Ordinance on Fees Charged by Recorder's Office, 2nd & 3rd Readings

Don Williams: County Attorney, you have an issue...

Roger Emmons: Oh wait, I do have one (1) more, I'm sorry, it just came up earlier today when Todd sent it to me. It has to do with a letter to USEPA and United States Army Core of Engineer regarding their proposed rules that would impact farming, the county's ability to maintain ditches and things like that.

Don Williams: That's far enough for me. I'd move that we approve that letter being sent out.

Marlin Weisheit: I'd second that.

Don Williams: Got a motion and a second.

Marlin Weisheit: Yep.

Don Williams: All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: So Counselor, please send that letter for us.

Todd Glass: I think Roger has it and it's...

Don Williams: Ready to sign.

Todd Glass: Rip, raring to go for you.

Don Williams: Good.

Roger Emmons: Thank you very much.

Todd Glass: Ready?

Don Williams: Yes, Sir.

Todd Glass: You have the second and third reading on the Recorder Fee Ordinance which is Ordinance 2014-23. Again it will add a section 37.22 of the Code of Ordinances providing for the exemption of Recorder Fees for certain documents required by the County to record.

Don Williams: Have a motion?

Rick Reid: I'll make a motion to approve the Ordinance 2014-23.

Marlin Weisheit: Second.

Don Williams: I have a motion and a second to approve County Ordinance 2014-23 on the second and third readings. All in favor say aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

Don Williams: Aye. Motion carries three (3), zero (0).

**WARRICK COUNTY BOARD OF COMMISSIONERS
ORDINANCE NO. 2014-23**

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF
WARRICK COUNTY, INDIANA EXEMPTING CERTAIN DOCUMENTS FROM
RECORDING FEES IN WARRICK COUNTY**

WHEREAS, it has been custom that the office of the Recorder of Warrick County has not collected from Warrick County departments fees for recording certain documents said departments are required by law to record; and

WHEREAS, the Board of Commissioners believes an ordinance will promote continuity and unity between County departments; and

WHEREAS, the Board of Commissioners desires to utilize the funds received from the citizens of Warrick County in an efficient manner without the frequent collecting of fees from the County for its own recordable instruments.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF WARRICK COUNTY, INDIANA THAT:

The Code of Ordinances of Warrick County, Indiana, is hereby amended to provide for a new SECTION 37.22 entitled "Recorder's Office Fees" as follows:

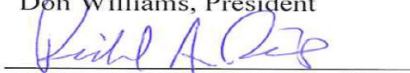
Section 37.22 Recorder's Office Fees

- (A) For the purpose of this ordinance, "Document" or "Documents" shall include, but not be limited to, any deed, ordinance, resolution, certificate of sale, easement vacations, grants of rights of way and easements under condemnation proceedings, street acceptances and vacations, sidewalk acknowledgements, surveyor's affidavits, address affidavits, hold harmless acknowledgements, and any other recordable instrument required to be recorded in the Office of the Recorder of Warrick County from time to time by Warrick County and any of its departments.
- (B) The office of the Recorder of Warrick County shall exempt official offices of Warrick County, including the Area Plan Commission, Redevelopment Commission, Board of Commissioners, County Council and any other department or office, from the payment of any fee for recording Documents required by law, regulation, rule, or otherwise to be recorded.
- (C) Warrick County offices and departments shall submit any Documents for recording in full compliance with all recording requirements as may be expressed in the Indiana Code or corresponding regulations.

Passed and adopted by the Warrick County Board of Commissioners, upon third reading herein, this 11TH day of AUGUST, 2014.

WARRICK COUNTY BOARD OF COMMISSIONERS


Don Williams, President

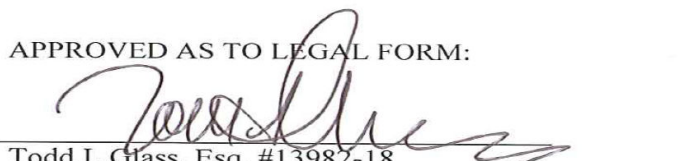

Richard A. Reid, Vice President


Marlin Weisheit, Commissioner

ATTEST:


Dixie Dugan, Auditor
Warrick County, Indiana

APPROVED AS TO LEGAL FORM:


Todd I. Glass, Esq. #13982-18
FINE & HATFIELD, A Professional Corporation
520 N.W. Second Street, P.O. Box 779
Evansville, Indiana 47705-0779
Telephone: (812) 425-3592
Warrick County Attorney

Todd Glass: Thank you, Mr. President. Otherwise informational, I'm working with other departments on a Public Access to Records request. We're getting that done for the county. I'm going to be submitting some proposed changes to the personnel policy for the Commissioners to consider but that's for you to look at and see what you think and if you want to bring that forward in one of your future meetings and we have everything ready to go on our Quiet Title Actions, at least the first one on the Suspended Mineral Interest and we'll get that going between now and the next meeting.

Don Williams: Okay, thank you.

Roger Emmons: Todd, did you have that ordinance original? All I had was this draft, I never...on the recorders fees.

Todd Glass: I'll get it emailed to you before you get back to your office, how's that?

Roger Emmons: Okay.

Todd Glass: That's all Mr. President.

Don Williams: Okay, thank you.

COUNTY ENGINEER

J.R. Kendall- Request to Place Signage in County Road Right of Way

Don Williams: County Engineer, you have an issue?

Bobby Howard: The item I have on the agenda is a request from J.R. Kendall in regards to the signage in county road right-of-way. I believe that they had a request to replace some signage that we discovered was currently in county road right-of-way for Paradise Park Subdivision. I don't believe approval of record was discovered for that but why the request did come in that they would like to modify that sign, I believe with a new sign to be placed in county road right-of-way similar to the location that it currently is in. And I believe they would just like approval to place this sign in our right-of-way in a median.

Don Williams: Is it going to present any type of visual impairment for...?

Bobby Howard: No, the sign would be placed in such a way that there would be no sight distance issues at State Road 261 and this roadway. In the past there's been some request from past county attorneys that may require a hold harmless to have a sign in road right-of-way. Sometimes it's considered a structure in the road right-of-way and not allowed at all so it's the issue in this case there was a sign located there, whether or not it was considered an encroachment it was located there and they're just asking to construct a new structure at that location for those apartments. So I don't know if we would require a hold harmless agreement to allow that sign to be in that median. Another option would be that the right-of-way be vacated around that median and then the median be re-platted as an outlet and then they could...it would be considered out of the right-of-way at that point in time. And they could do what they wish with it.

Don Williams: Ms. Lockyear, you have something?

Krista Lockyear: Yes, Commissioners, Krista Lockyear again on behalf of K & E Multifamily. My client is certainly willing, sort of expected the encroachment agreement, hold harmless identification for the county if you allowed this sign to continue. As Mr. Howard indicated it's there it's that Paradise Park sign that's pretty large and prevalent and we're just wanting to replace it with the apartment complex sign. Paradise Park doesn't really need any more advertising. Not sure how it got there in the first place, when our client signed the purchase agreement with the Bank, the Bank said 'hey, we've been maintaining it, you guys take it over' I think they assumed they actually held title when they went through the process, found out it was really in the middle of county right-of-way so we'd be happy again to do the encroachment agreement, name county as additional insured or we could go through the vacation process if that's preferable.

Marlin Weisheit: You're not going to make the sign any larger, you're just going to redo the faces I guess aren't you?

Krista Lockyear: Exactly, same size.

Don Williams: Yeah, I don't have a problem as long as it doesn't cause any visual problems and it doesn't sound like it will so I'm happy with the Hold Harmless.

Marlin Weisheit: Yeah, I am too.

Rick Reid: Yeah, that's good.

Don Williams: Okay, entertain a motion then.

Marlin Weisheit: I'd make a motion to allow them to just as long as do the Hold Harmless Agreement to let it continue.

Rick Reid: Second.

Don Williams: Motion and a second, they need to understand should we need that their sign will have to go, which I don't see happening in the near future.

Krista Lockyear: Correct.

Don Williams: But you never know if the county grows. You have a motion and a second on the floor. All in favor say aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

Don Williams: Aye. Motion carries three (3), zero (0).

Krista Lockyear: May I ask of your Counsel, do you have a Hold Harmless Agreement that this county typically uses? I've seen the Vanderburgh County one, probably not Warrick County.

Todd Glass: I probably do so why don't I take a look and see if I can get something suggested to you for that.

Krista Lockyear: That'd be perfect. Thank you.

COUNTY HIGHWAY

Don Williams: Mr. Engineer, do you have anything from Highway?

Bobby Howard: I do have one more item in regards to our Bridge 371 Project. There's a Change Order #8, it's a time extension due to the flooding. That bridge is open for traffic, this is some final paperwork. They had to have a time extension and painting the bridge because the water level came up, they weren't able to paint for several days off and on due to the weather. It's a thirty (30) day extension and like I said it's just to finalize paperwork so...

Don Williams: At no additional cost?

Bobby Howard: No additional cost.

Marlin Weisheit: I'll make a motion to approve the Change Order #8 on Bridge 371.

Rick Reid: Second.

Don Williams: Motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Don Williams: Aye. Motion carries. Anything else, Sir?

Bobby Howard: No, that's all I have, thanks.

COUNTY SHERIFF

Don Williams: Sheriff, do you have any business for us?

Sheriff Kruse: No.

COUNTY ASSESSOR

Angela Wilder ~ Addendum to Contract with Tyler Technologies for Annual Adjustment & Cyclical Reassessment

Don Williams: County Assessor.

Angela Wilder: Good evening, Commissioners, Angela Wilder, County Assessor. I am here to request that you please sign an addendum to the contract for our vendor for annual adjustment and cyclical reassessment. It's basically a technicality. The Indiana State Legislature passed a piece of legislation that actually changes the assessment date from March 1st to January 1st starting in 2017. Our assessment contract is a four (4) year contract because now that's how the state requires reassessment be done. So they knew this change was coming, they knew we'd have to do this addendum but they insisted that we go ahead, do the contract, sign it and now we're amending it based on that referenced assessment date. It is one hundred percent (100%) their form through the State of Indiana that we're required to just fill in the blanks.

Todd Glass: Yes, and Mr. President I have reviewed and approved the form, it's a technicality and it is what it is.

Don Williams: What's the will of the board?

Rick Reid: I'll make a motion to approve the addendum for the contract.

Marlin Weisheit: Second.

Don Williams: Motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Motion carries.

Angela Wilder: Thank you very much.

Marlin Weisheit: Thanks, Angela.

Rick Reid: Thanks.

COMMISSIONERS ITEMS FOR DISCUSSION

Commissioner Williams: Mr. Reid, do you have anything?

Commissioner Reid: I'm done.

Commissioner Williams: Do you have anything, Commissioner Weisheit?

Commissioner Weisheit: No, Sir, I don't.

Commissioner Williams: I have one (1) item, last meeting we established a Medical Oversight Board and I would like to make a change to that at the request of St. Mary's. At that meeting we had Dr. Vernon Mass, St. Mary's Vice President of Medical Affairs that we appointed to that board and this is with Dr. Mass's approval. St. Mary's has request that instead of him they think it'd be more appropriate if Dr. Otto Susec, St. Mary's Emergency Medical Director for all of

their medical emergency services be put on that board. Sounds like a good fit to me so I'd recommend that we do that and I would make a motion to do that.

Commissioner Weisheit: Second.

Commissioner Williams: I have a motion and a second. All in favor say aye.

Commissioner Weisheit: Aye.

Commissioner Reid: Aye.

Commissioner Williams: Aye. Motion carries three (3), zero (0). Anybody else have anything?

Roger Emmons: What was that name again?

Commissioner Williams: Dr. Otto O-T-T-O Susec S-U-S-E-C.

Roger Emmons: Okay, thank you.

Commissioner Williams: Does anybody else have anything for consideration?

Commissioner Reid: Motion to adjourn.

Commissioner Weisheit: Second.

Commissioner Williams: Motion and a second. We are adjourned.

DON WILLIAMS, PRESIDENT

RICHARD A. REID, VICE PRESIDENT

MARLIN WEISHEIT, MEMBER

ATTEST:

L.B. DUGAN, AUDITOR
WARRICK COUNTY, INDIANA